



WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

CONTENTS

Volume XXVII

Issue 47

November 24, 2010

Pages 2075 - 2113

A Weekly Publication

Administrative Law Division
Judy Cooper, Manager

Natalie E. Tennant
Secretary of State
Administrative Law Division
Bldg. 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0770

(304) 558-6000
www.wvsos.com

- I. Chronological Index
- II. Open Government Meetings Listing
- III. Price List
- IV. Rule Monitor
- V. Notices
 - a. Legislative Rules
 - b. Interpretive Rules
 - c. Procedural Rules
 - d. Emergency Rules
 - e. Legislative Rule-Making Review Committee
- VI. Legislative Interims
- VII. Orders
- VIII. Ethics Commission Opinions
- IX. Office of Tax Appeal Decisions
- X. Other Documents or Information Filed
- XI. Publication Deadlines and Publication Dates

INDEX

<u>AGENCY</u>	<u>PAGE(S)</u>
Blue Ridge CTC	2076
Bridgemont Community and Technical College	2076
City Hospital, Inc.	2076
Commerce	2076
Crime, Delinquency and Correction	2103
Department of Environmental Protection, WV, Div. of Land Restoration	2076
Education	2076-7
Educational Broadcasting Authority	2077
Ethics Commission	2077
Forestry – Outdoor Heritage Conservation Fund	2077
Glenville State College	2077
Governor's Office	2078
Grievance Decisions	2106
Health and Human Resources	2107-9
Health Care Authority	2110, 2113
Higher Education Policy Commission	2078
Highland Hospital Association	2078
Highways, Div. of	2103
Infrastructure & Jobs Development Council	2078
Insurance Commission, WV Offices of the	2078-9
Jobs Investment Trust Board	2080
Lottery	2080, 2104
Martin Luther King, Jr. WV Holiday Commission	2080
McDowell Co Solid Waste Authority	2080
Medical Imaging & Radiation Therapy Technology Bd.	2080
Medicine, Board of	2080, 2113
Mon Co Community Criminal Justice Bd.-DRC	2080
New River Community and Technical College	2080
Parkways Authority	2081
Partnership to Promote Community Well Being, WV	2081
Physical Therapy, WV Bd. of	2081
Pierpont Comm. & Tech. College	2082
Public Broadcasting Foundation	2082
Public Defender Corp.	2082
Public Employees Insurance Agency	2082
Public Service Commission	2082
Putnam County Development Authority	2082
Real Estate Appraiser Board	2083
Risk, Board of	2083
Ron Yost Personal Assistance Services Board	2083
Senior Services	2105
Southern WV Comm. & Tech. College	2083
State Fire Commission	2083
State Rehabilitation Council, WV	2083
Statewide Independent Living Council, WV	2083
Surface Mine Board	2083-4
Transportation	2111-12
West Liberty University	2084
West Virginia University Hospitals, Inc.	2084
Women's Commission	2084
Wood Co. Development Auth. (The Area Roundtable)	2084
WV Center for Nursing	2084
WVU Parkersburg	2084-5

CHRONOLOGICAL INDEX, VOLUME XXVII ISSUE 47

NO NEW PROPOSED RULES WERE FILED FOR PUBLIC COMMENT THIS WEEK

<u>AGENCY</u>	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>HEARING/COMMENT PERIOD/LOCATION</u>

NO NEW EMERGENCY RULES WERE FILED THIS WEEK

<u>AGENCY</u>	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>EFFECTIVE DATE</u>	<u>DATE NOTICE FOR HEARING</u>

MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Blue Ridge CTC	8/2/2010	Regularly scheduled business meeting.	December 1, 2010 11:30 AM Blue Ridge CTC Technology Center 5550 Winchester Ave. Martinsburg, WV 25405
Bridgemont Community and Technial College <i>Board of Governors'</i>	11/5/2010	Regularly scheduled Board of Governors' meeting.	December 3, 2010 8:30 AM Upper Kanawha Valley Community Center 326 Third Avenue Montgomery, WV 25136
City Hospital, Inc. <i>Medical Staff Executive Committee</i>	11/17/2010	To Conduct Business	December 3, 2010 12:00 PM 8th Floor Boardroom
Commerce <i>Mine Safety Technology Task Force</i>	10/26/2010	Regular meeting	December 8, 2010 9:00 AM Country Inn & Suites 1 Alex Lane Charleston, WV (Kanawha City)
Commerce <i>Training Board</i>	10/26/2010	Monthly Meeting	November 30, 2010 10:00 AM Charleston, WV call 305.957.2306 for more details
Department of Environmental Protection, WV , Division of Land Restoration <i>UST Advisory Committee meeting</i>	11/22/2010	UST Advisory Committee meeting	December 6, 2010 10:30 AM WVDEP Headquarters 601 57th Street, Kanawha City New River Room #2129
Education <i>WVBE Innovation Zone Selection Committee</i>	11/3/2010	The West Virginia Board of Education's Innovation Zone Selection Committee will meet to conduct routine business. The agenda will be posted at http://wvde.state.wv.us three business days prior to the meeting.	November 29, 2010 3:00 PM Capitol Building 6, Room 353 1900 Kanawha Boulevard, East Charleston, West Virginia
Education <i>WVBE Secondary School Redesign Committee</i>	11/15/2010	The West Virginia Board of Education's Secondary School Redesign Committee will meet to conduct routine business. The agenda will be posted at http://wvde.state.wv.us three business days prior to the meeting.	December 7, 2010 10:00 AM Capitol Building 6, Room 353 1900 Kanawha Boulevard, East Charleston, West Virginia
Education <i>WVBE LSIC Committee</i>	10/27/2010	The West Virginia Board of Education's Local School Improvement Council (LSIC) Committee will meet to conduct routine business. The agenda will be posted at http://wvde.state.wv.us at least three business days prior to the meeting.	December 7, 2010 1:00 PM Capitol Building 6, Room 353 1900 Kanawha Boulevard, East Charleston, West Virginia
Education <i>WVBE Common Ground: Education and the Military Committee</i>	11/11/2010	The West Virginia Board of Education's Common Ground: Education and the Military Committee will meet to conduct routine business. The agenda will be posted at http://wvde.state.wv.us three business days prior to the meeting.	December 3, 2010 10:30 AM Capitol Building 6, Room 353 1900 Kanawha Boulevard, East Charleston, West Virginia

**This meeting was filed late and does not comply with the Open Governmental Proceedings Act*

MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Education <i>WVBE Communications Committee</i>	11/15/2010	The West Virginia Board of Education's Communications Committee will meet to conduct routine business. The agenda will be posted at http://wvde.state.wv.us at least three business days prior to the meeting.	December 6, 2010 11:00 AM Capitol Building 6, Room 351 1900 Kanawha Boulevard, East Charleston, West Virginia
Education <i>WVBE Professional Development Committee</i>	11/15/2010	The West Virginia Board of Education's Professional Development Committee will meet to conduct routine business. The agenda will be posted at http://wvde.state.wv.us three business days prior to the meeting.	December 2, 2010 1:00 PM Capitol Building 6, Room 353 1900 Kanawha Boulevard, East Charleston, West Virginia
Education	11/18/2010	The West Virginia Board of Education will meet to conduct routine business. The agenda for this meeting will be posted at http://wvde.state.wv.us at least three business days prior to the meeting. NOTICE: If the agenda for this meeting is not completed on December 8, 2010, the agenda will resume on December 9, 2010.	December 8, 2010 9:00 AM Capitol Building 6, Room 353 1900 Kanawha Boulevard, East Charleston, West Virginia
Educational Broadcasting Authority	2/4/2010	Quarterly Meeting	December 1, 2010 10:00 AM 600 Capitol Street Charleston WV
Ethics Commission	10/15/2010	Consider advisory opinion requests, contract exemptions, employment exemption requests, investigative matters and miscellaneous items. Agenda will be available November 26, 2010 at the Commission's office and online at www.ethics.wv.gov	December 2, 2010 10:00 AM 210 Brooks St., Suite 300 Lee Building Charleston, WV 25301
Ethics Commission <i>Standards of conduct for Administrative Law Judges</i>	10/15/2010	Meeting will begin at 11:00 a.m. or at the conclusion of the regular Ethics Commission Meeting. This is a regular meeting to consider Advisory Opinion Requests and other matters. Agenda available November 26, 2010 at the Commission's office and online at www.ethics.wv.gov	December 2, 2010 11:00 AM 210 Brooks Street Suite 300 Lee Building Charleston, WV 25301
Ethics Commission <i>Committee on Open Meeting</i>	10/15/2010	To act upon requests for Advisory Opinions interpreting the WV Open Government Meetings Act. Agenda will be available on November 26, 2010 at the Commission's office and online at www.ethics.wv.gov	December 2, 2010 9:30 AM 210 Brooks Street Suite 300 Lee Building Charleston, WV 25301
Forestry - Outdoor Heritage Conservation Fund	10/28/2010	Regular scheduled meeting of Outdoor Heritage Conservation Fund Board of Trustees. Agenda will be posted to website wvforestry.com at least three days prior to meeting date.	December 3, 2010 9:00 AM Division of Natural Resources 324 Forth Avenue Second Floor South Charleston WV 25303
Glenville State College <i>Board of Governors</i>	7/30/2010	BOG meeting to discuss regular business of the Board.	December 1, 2010 12:30 PM Glenville State College Campus Mollohan Campus Community Center Third Floor, Room 319

*This meeting was filed late and does not comply with the Open Governmental Proceedings Act

MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Governor's Office <i>Judicial Vacancy Advisory Commission</i>	11/19/2010	Organizational meeting by teleconference to adopt procedures and requirements for circuit court vacancy in the Sixth Judicial Circuit. An agenda will be available at the above location three business days prior to the meeting.	December 1, 2010 10:00 AM Conference Room, Office of General Counsel and Legislative and Policy Director, Room M-146, State Capitol, Building 1 Charleston, West Virginia
Higher Education Policy Commission <i>Committee of the Whole</i>	11/8/2010	To conduct regular business.	December 3, 2010 09:00 AM West Liberty University Academic Sports and Recreation Center R. Emmett Boyle Conference Center Wheeling, WV
Highland Hospital Association <i>Board of Trustees</i>	1/19/2010	Regularly scheduled monthly Board of Trustee meeting.	November 29, 2010 11:30 AM Highland Hospital Second Floor Administrative Conference Room 300 56th Street Charleston, WV 25304
Infrastructure & Jobs Development Council <i>COUNCIL MEETING</i>	11/15/2010	Conduct General Council Business	December 8, 2010 9:30 AM Northgate Business Park Water Development Authority 180 Association Drive Charleston, WV 25311
Infrastructure & Jobs Development Council <i>FUNDING COMMITTEE MEETING</i>	11/10/2010	The purpose of the Funding Committee meeting will be to conduct general business and consider other matters as may be brought to the attention of the Funding Committee.	December 3, 2010 9:30 AM Northgate Business Park Water Development Authority 180 Association Drive Charleston, WV 25311
Infrastructure & Jobs Development Council <i>STAFF WORK SESSION</i>	11/10/2010	The purpose of the Work Session is to prepare for the Council's Funding Committee meeting of December 3, 2010.	November 30, 2010 9:30 AM Northgate Business Park Water Development Authority 180 Association Drive Charleston, WV 25311
Insurance Commission, WV Offices of the <i>HEALTH INSURANCE EXCHANGE PUBLIC FORUM</i>	11/15/2010	This forum will educate the public about what is in the Affordable Care Act (ACA) concerning the Exchange; educate the public about what the West Virginia Offices of the Insurance Commissioner has accomplished to date with respect to exchange planning; outline critical areas where stakeholder input is needed; receive stakeholder input and gather public ideas on the Exchange; and develop community of interest policy groups to further develop Exchange plans.	November 30, 2010 6:00 PM Auditorium I-79 Technology Park Research Center Fairmont, WV

**This meeting was filed late and does not comply with the Open Governmental Proceedings Act*

MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Insurance Commissioner <i>Workers' Compensation Industrial Council</i>	11/17/2010	Office of Judges Report; Approval of previous meeting minutes	December 1, 2010 1:00 PM Offices of the WV Insurance Commissioner 1124 Smith Street Greenbrooke Building, Room 400 Charleston, WV 25301
Insurance Commissioner, West Virginia Offices of the <i>Health Insurance Exchange Stakeholder Meeting</i>	11/19/2010	West Virginia Insurance Commissioner, Jane L. Cline, announces that the West Virginia Offices of the Insurance Commissioner (WVOIC) will have the second information and stakeholder engagement campaign on the Health Insurance Exchange in Huntington, WV at 6:00 p.m. Tuesday, December 2, 2010, in the Riverside Suite at the Big Sandy Arena. Commissioner Cline, stated, "I believe that providing information and listening directly to stakeholders, as part of the design and development phase, is paramount for success of the Exchange; therefore, we are undertaking this project that will provide information to, and gather input from, stakeholders around the state." These forums will educate the public about what is in the Affordable Care Act (ACA) concerning the Exchange; educate the public about what the West Virginia Offices of the Insurance Commissioner has accomplished to date with respect to exchange planning; outline critical areas where stakeholder input is needed; receive stakeholder input and gather public ideas on the Exchange; and develop community of interest policy groups to further develop exchange plans. The WVOIC team encourages participation from as many people as possible and multiple methods of collecting input will be provided.	December 2, 2010 6:00 PM One Civic Center Plaza Big Sandy Arena, Riverside Suite Huntington, WV 25701
Insurance Commissioner, West Virginia Offices of the <i>Health Insurance Exchange Stakeholder Meeting</i>	11/19/2010	West Virginia Insurance Commissioner, Jane L. Cline, announces the West Virginia Offices of the Insurance Commissioner (WVOIC) will hold an information and stakeholder engagement meeting on the Health Insurance Exchange in Wheeling, WV, at 6:00 p.m., December 7, 2010, in the Wilson Lodge at Oglebay Resort & Conference Center. Commissioner Cline, stated, "I believe that providing information and listening directly to stakeholders, as part of the design and development phase, is paramount for success of the Exchange; therefore, we are undertaking this project that will provide information to, and gather input from, stakeholders around the state." These forums will educate the public about what is in the Affordable Care Act (ACA) concerning the Exchange; educate the public about what the West Virginia Offices of the Insurance Commissioner has accomplished to date with respect to exchange planning; outline critical areas where stakeholder input is needed; receive stakeholder input and gather public ideas on the Exchange; and develop community of interest policy groups to further develop exchange plans. The WVOIC team encourages participation from as many people as possible and multiple methods of collecting input will be provided.	December 7, 2010 6:00 PM 465 Lodge Dr. Wilson Lodge at Oglebay Resort & Conference Center Wheeling, WV 26003
Insurance Commissioner, WV Offices of the <i>Health Insurance Exchange Stakeholder Meeting</i>	11/8/2010	West Virginia Insurance Commissioner, Jane L. Cline, announced today that the West Virginia Offices of the Insurance Commissioner (WVOIC) will launch an information and stakeholder engagement campaign on the Health Insurance Exchange beginning in Fairmont at 6:00 p.m. Tuesday, November 16 in the auditorium of the I-79 Technology Park Research Center. Commissioner Cline, stated, "I believe that providing information and listening directly to stakeholders, as part of the design and development phase, is paramount for success of the Exchange; therefore, we are undertaking this project that will provide information to, and gather input from, stakeholders around the state." These forums will educate the public about what is in the Affordable Care Act (ACA) concerning the Exchange; educate the public about what the West Virginia Offices of the Insurance Commissioner has accomplished to date with respect to exchange planning; outline critical areas where stakeholder input is needed; receive stakeholder input and gather public ideas on the Exchange; and develop community of interest policy groups to further develop exchange plans. The WVOIC team encourages participation from as many people as possible and multiple methods of collecting input will be provided.	November 30, 2010 6:00 PM I-79 WV Technology Park Research Center WVHTC Tech Park 1000 Galliher Drive Fairmont, WV 26554 for detailed driving directions, contact Jeremiah Samples at Jeremiah.Samples@wvinsurance.gov

**This meeting was filed late and does not comply with the Open Governmental Proceedings Act*

MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Jobs Investment Trust Board	10/22/2010	To act upon any and all business which might properly come before a regular board meeting of the Board of Directors of the WV Jobs Investment Trust.	December 8, 2010 2:00 PM 1012 Kanawha Boulevard, East Fifth Floor Charleston, WV 25301
Lottery <i>Finance/Audit & Games/Rules/Security/Marketing Committees</i>	11/9/2010	Monthly committee meetings	November 30, 2010 10:00 AM Lottery headquarters 312 MacCorkle Avenue Charleston, WV
Lottery <i>Building Committee</i>	11/9/2010	Monthly committee meeting	November 30, 2010 9:00 AM Lottery Headquarters 312 MacCorkle Avenue Charleston, WV
Lottery <i>Commission meeting</i>	11/9/2010	Monthly business meeting	November 30, 2010 11:00 AM Lottery headquarters 312 MacCorkle Avenue Charleston, WV
Martin Luther King, Jr. WV Holiday Commission	10/27/2010	To discuss and make plans for the 2011 Martin Luther King, Jr. Holiday activities.	December 1, 2010 2:00 PM Grand Hall WVSU Erickson Alumni Center
McDowell Co Solid Waste Authority	11/5/2010	New and Old Business	December 2, 2010 5:00 PM 10 Mercer Street Solid Waste Office Welch, WV
Medical Imaging & Radiation Therapy Technology Board	9/25/2010	Regular Board meeting. Agenda will be available at the office and on the Board's web page one (1) week prior to the meeting.	November 30, 2010 5:00 PM Elkview Country Inns & Suites Elkview, WV
Medicine, Board of <i>Ad Hoc Committee on Personnel</i>	11/18/2010	The general purpose of this meeting is to discuss personnel matters of the West Virginia Board of Medicine.	December 7, 2010 4:30 PM 101 Dee Drive, Suite 103 Charleston, WV 25311
Mon Co Community Criminal Justice Board-DRC	11/22/2010	Quarterly Board Meeting for the Monongalia County Day Report Center	December 6, 2010 5:30 PM Day Report Center 265 Spruce Street, Suite 102 Morgantown, WV 26505
New River Community and Technical College <i>Board of Governors</i>	10/13/2010	Faculty and Staff will have their annual meeting with the Board of Governors. The meeting agenda will be posted on the college's website, www.newriver.edu three days prior to the meeting. The meeting is open to the public.	December 3, 2010 5:30 PM Black Knight Country Club, Ballroom 2400 South Kanawha Street Beckley, WV

**This meeting was filed late and does not comply with the Open Governmental Proceedings Act*

MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Parkways Authority	11/22/2010	To consider and act upon all matters that may properly come before the monthly meeting of the Parkways Authority Board. These matters may include discussion of and possible Board action on the following: Approval of the minutes of the Parkways Authority Board Meeting held on November 4, 2010 and the Emergency Meeting held on November 18, 2010; Issuance of necessary change orders to the applicable contracts with TransCore LLP expanding its role in the construction/implementation/installation of the equipment necessary for the operation of the toll plazas on the U.S. Route 35 and the Mon-Layette Expressway; Issuance of the necessary change orders to the toll consultancy contract with HNTB expanding its role to the potential design of the potential toll plazas for the U. S. Route 35 project; Approval for HNTB to design a bridge facility retrofit project, a mill and inlay paving project and a bridge deck overlay project; Statewide Enterprise Resource Planning (ERP) project; To discuss and take action to ratify, confirm and adopt the action of the Authority taken in its emergency meeting noticed and held at 3:30 P.M. on Thursday November 18, 2010 which resulted in the filing of a petition for writ of mandamus in a case in the Supreme Court Of Appeals of West Virginia styled State of West Virginia, ex rel. West Virginia Parkways Authority, et al. v. Gregory C. Barr, etc. and County Commission of Mason County, West Virginia et al. Number 101488; To receive report from legal counsel concerning the above-referenced mandamus action and related legal matters, to discuss the action and related matters with counsel, and to take possible actions and make decisions relating to that action or related matters; Update, discussion and possible action regarding the replacement of Dexia Credit Local as liquidity facility provider and possible approval of the issuance of a Request for Proposal for a replacement liquidity facility provider (that is, to replace Dexia); Update, discussion, possible action or decisions related to recent discussions among Authority, legal counsel and Lehman Brothers relating to a Debt Service Deposit Agreement originally dated as of May 1, 1997, as amended, among the Authority, United Bank, Inc., as bond trustee, and Lehman Brothers, terminated by the Authority in connection with the defeasance of the Tamarack bonds in August 2009; To the extent necessary, modifications/amendments to the MOUs between Parkways and the DOH with regard to the responsibility of DOH for the payment of the expenses incurred pursuant to execution of the change orders pertaining to both the U.S. Route 35 Project and the Mon-Layette Expressway; Purchase of carpet for the Tamarack Conference Center; Approval to purchase mobile heavy duty lifting systems, municipal hopper spreaders, 97 V-plows, and snow plows; Other items which may become apparent or need attention and may be added to the business agenda of the meeting; attention is called to the fact that the agenda of the monthly meeting will be available three days in advance by calling 304-926-1900 or at the website www.wvturnpike.com; items of business may be added to the agenda up to 48 hours prior to the date of the meeting.	December 2, 2010 10:30 AM Administration Building 3310 Piedmont Road Charleston, West Virginia 25306
Parkways Authority	11/18/2010	FACTS AND CIRCUMSTANCES OF EMERGENCY: In reliance upon approvals by the Putnam and Mason County Commissions of the U.S. Route 35 parkway project, the Parkways Authority, at its October 7, 2010 meeting, gave final approval of the U.S. Route 35 parkway project and, at significant expense, proceeded with the steps necessary to establish tolls and issue toll revenue bonds under Senate Bill 427. The West Virginia Department of Transportation, Division of Highways (DOH), in collaboration with the Parkways Authority, likewise acted in reliance upon approvals by the Putnam and Mason County Commissions, including opening of bids for the U.S. Route 35 parkway project on October 26, 2010, which bids will remain open for 120 days. The recent decision of the Mason County Commission purporting to rescind its prior approval of the U.S. Route 35 parkway project has created uncertainty concerning the U.S. Route 35 parkway project. The Parkways Authority Board and its LAC must expeditiously review all options and consider a possible course of action for the U.S. Route 35 parkway project in light of the running of the 120-day period for the low bid received by the DOH for the design and construction of the remaining 14.6 mile section of the U.S. Route 35 parkway project. PURPOSE: To consider, discuss and review options and take possible action on a possible course of action concerning the proposed U.S. Route 35 parkway project; and to consider, discuss and take possible action on such other matters relating to the U.S. Route 35 parkway project as may be deemed necessary and desirable by the Parkways Authority.	November 18, 2010 3:30 PM Administration Building 3310 Piedmont Road Charleston, WV 25306
Partnership to promote community well being, WV <i>Underage drinking prevention workgroup</i>	11/16/2010	Monthly meeting	December 2, 2010 12:00 PM 1400 Ohio Avenue Dunbar WV
Physical Therapy, WV Board of	8/2/2010	Quarterly Board meeting	December 8, 2010 10:00 AM WV Board of Physical Therapy 101 Dee Drive Charleston, WV 25311

**This meeting was filed late and does not comply with the Open Governmental Proceedings Act*

MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Pierpont Community & Technical College <i>Board of Governors Finance Committee</i>	8/31/2010	Conduct regular business for the Finance Committee	December 7, 2010 11:30 AM Falcon Center Conference Room 1
Public Broadcasting Foundation	2/4/2010	Quarterly Meeting	December 1, 2010 12:00 PM 600 Capitol Street Charleston WV
Public Defender Corp 30th Judicial Circuit <i>Board of Directors Meeting</i>	10/5/2010	Board Meeting	December 7, 2010 12:15 PM Public Defender Corporation 52 West Second Avenue Williamson WV 25661
Public Defender Corporation (18th)	11/18/2010	Special Board of Director's Meeting	November 30, 2010 8:00 AM 202 Tunnelton St., Suite 303 Kingwood, WV 26537
Public Employees Insurance Agency <i>West Virginia Retiree Health Benefit Trust Fund And PEIA Finance Board</i>	7/29/2010	Finalize Financial Plan and Benefit Design for Fiscal Year 2012; Review Public Hearing Financial Plan Program Options; Vote on Public Hearing Financial Plan Program Options	December 2, 2010 1:00 PM 601 57th Street SE Canaan Valley Hearing Room 1041 Charleston West Virginia 25304-2345
PUBLIC SERVICE COMMISSION <i>TOWER ACCESS ASSISTANCE FUND REVIEW COMMITTEE (TAAFRFC)</i>	11/1/2010	This will be a regular monthly meeting of the TAAFRFC. The agenda is below: 1. Roll call and determination of whether a voting quorum is present.; 2. Approval of minutes of previous meeting.; 3. Financial report.; 4. Media items, if any.; 5. WTAAF matters dealt with by any TAAFRFC member due to outside contact.; 6. Status reports regarding uncompleted Projects which have received grant funds: A. TAF BOONE 06A...WASHBURN POINT ?; B. TAF TAYLOR 08A GRAFTON; C. TAF WYOMING 09a TWIN FALLS; D. TAF MORGAN 09A BERKLEY SPRINGS; E. TAF WEBSTER 09A HODAM MOUNTAIN; 7. Additional items as appropriate.; Proposed applications for grants; 8. Next meeting will be held at 10:00 a.m., in the small first floor conference room of the WVPSC Building (201 Brooks Street, Charleston, WV), on Tuesday, December 28, 2010.; NOTE: Order and/or subject matter of agenda items may change during the meeting	November 30, 2010 10:00 AM PUBLIC SERVICE COMMISSION BUILDING 201 BROOKS STREET HEARING ROOM NO. 2 (1ST FLOOR) CHARLESTON, WV
Putnam County Development Authority	8/19/2010	Board Meeting	November 30, 2010 4:30 PM Putnam Chamber of Commerce 5664 State Route 34 Winfield, WV 25213
Putnam County Development Authority, Inc. <i>Board of Directors</i>	11/1/2010	Monthly Board Meeting	December 7, 2010 4:30 PM Putnam County Chamber of Commerce Building 5664 State Route 34 Winfield, WV 25213

**This meeting was filed late and does not comply with the Open Governmental Proceedings Act*

MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Real Estate Appraiser Board <i>Upgrades Committee</i>	9/8/2010	To review upgrades applications & reports and make recommendations to the Board.	November 30, 2010 9:00 AM 2110 Kanawha Blvd., East Charleston, WV 25311
Real Estate Appraiser Board <i>Upgrades Committee</i>	9/8/2010	To review upgrade applications & reports and make recommendations to the Board.	December 2, 2010 9:00 AM 2110 Kanawha Blvd., East Charleston, WV 25311
Risk, Board of	10/6/2010	Meeting of the Board of Directors of the West Virginia Board of Risk and Insurance Management.	December 7, 2010 1:00 PM 90 MacCorkle Avenue, S.W., Suite 203 South Charleston, WV 25303
Ron Yost Personal Assistance Services Board	2/23/2010	Monthly board meeting	November 30, 2010 1:30 PM Division of Rehabilitation Services F. Ray Power Building Larger Conference Room Institute, WV
Southern West Virginia Community and Technical College <i>Board of Governors Committee on Tuition and Fees</i>	11/10/2010	To discuss tuition and fees for fiscal year 2011-2012 and begin preparation of a proposal to bring before the full Board.	November 30, 2010 8:00 AM Southern West Virginia Comm. and Tech. College 2900 Dempsey Branch Road Room 428-C Mount Gay, West Virginia, and by teleconference.
Southern West Virginia Community and Technical College <i>Board of Governors Agenda Committee</i>	7/19/2010	To establish the agenda for the December 14, 2010 meeting of the Southern West Virginia Community and Technical College Board of Governors.	November 30, 2010 9:00 AM Southern WV Community & Technical College 2900 Dempsey Branch Road, Room 428C Mount Gay, West Virginia and by teleconference.
State Fire Commission	11/9/2010	Regularly scheduled meeting	December 3, 2010 9:00 AM Lakeview Resort Morgantown, WV
State Rehabilitation Council, WV	1/29/2010	Regular Concil meeting.	December 2, 2010 9:00 AM Conference Room C Building of DRS Complex Barron Drive Institute, WV
Statewide Independent Living Council, WV	11/17/2010	Regular Council Meeting	December 1, 2010 9:00 AM Charleston Marriott 200 Lee St. Charleston, WV
Surface Mine Board	11/22/2010	Meeting/Hearing - S & A Homes, Appellant v. WV Department of Environmental Protection, Appellee and Capitol Cement Company, Anticipated Intervenor, Appeal No. 2010-18-SMB.	December 7, 2010 8:30 AM Department of Environmental Protection Office 601 57th Street Charleston, WV

**This meeting was filed late and does not comply with the Open Governmental Proceedings Act*

MEETING NOTICES

Open Governmental Proceedings Act §6-9A et seq.

Agency	Date Filed	Purpose	Meeting Date/Location
Surface Mine Board	11/22/2010	Meeting/Hearing - Marfork Coal Company, Appellant v. Department of Environmental Protection, Appellee, Appeal No. 2010-17-SMB.	December 7, 2010 10:30 AM Department of Environmental Protection Office 601 57th Street Charleston, WV
West Liberty University <i>Board of Governors Executive Committee</i>	11/9/2010	Discuss agenda items for upcoming Board of Governors meeting.	December 1, 2010 8:00 AM West Liberty University Liberty Oaks Conference Room West Liberty, WV 26074
West Liberty University <i>Finance Committee</i>	11/9/2010	Discuss West Liberty University finances.	December 8, 2010 04:00 PM West Liberty University Athletics Conference Room Academic Sports & Recreation Complex, 4th Floor West Liberty, WV 26074
West Virginia University Hospitals, Inc. <i>Investment Management Subcommittee</i>	11/9/2010	To discuss investment matters pertaining to West Virginia University Hospitals.	November 30, 2010 4:00 PM J.W. Ruby Boardroom Ruby Memorial Hospital Morgantown, WV
Women's Commission <i>Public Policy Committee</i>	11/9/2010	Discussion of WVWC Public Policy	November 30, 2010 5:30 PM Gov Org Room State Capitol Complex
Wood County Development Authority (The Area Roundtable) <i>Annual Membership Meeting</i>	11/22/2010	The Wood County Development Authority, in accordance with the State of West Virginia's; Open Governmental Act, is hereby announcing that the Board of Directors will hold its Annual Membership Meeting on Wednesday, December 1, 2010, from 4:00 to 6:00 p.m. at the Blennerhassett Hotel in Parkersburg, West Virginia. The agenda for the meeting is as follows: I. Welcome and Introductions - Jeff Forbes, Chairman; II. Joint Annual Business Meeting Call to Order - Chairman Jeff Forbes; III. Proxy Report - Secretary Fred Earley; V. Approval of Minutes - Secretary Fred Earley; VI. Financial Report - Treasurer Chad Mildren; VII. Old Business; A. Election of Board Members; VIII. New Business; A. Consideration of Resolutions; IX. Receipt of the Annual Report - President Burdette; X. Keynote Address: Tom Jones, President & CEO of West Virginia United Health System (Introduction by Mike King); XI. Adjournment - Chairman Jeff Forbes.	December 1, 2010 4:00 PM The Blennerhassett Hotel 320 Market Street Parkersburg, WV
WV Center for Nursing <i>Recruitment & Retention Initiatives</i>	10/12/2010	Quarterly Meeting.	December 3, 2010 1:30 PM 1018 Kanawha Blvd E President's Conference Room (9th Floor) Charleston, WV 25301
WVU Parkersburg <i>Board of Governors Audit Committee</i>	11/18/2010	Review Audit Report	December 8, 2010 04:00 PM 300 Campus Drive Parkersburg, WV

*This meeting was filed late and does not comply with the Open Governmental Proceedings Act

MEETING NOTICES**Open Governmental Proceedings Act §6-9A et seq.**

Agency	Date Filed	Purpose	Meeting Date/Location
WVU Parkersburg <i>Board of Governors</i>	11/18/2010	Regular meeting of the Board of Governors. Agenda items include: Accepting the College Completion Challenge; Capital Campaign Feasibility Study; Report from Salary Policy Task Force; HLC Pilot Institution for New Pathways Project; State of the College Finances; and Policy A-06 Naming Opportunities. A complete agenda will be posted online at www.wvup.edu/Board_of_Governors prior to the meeting.	December 8, 2010 05:45 PM 300 Campus Drive Parkersburg, WV

**This meeting was filed late and does not comply with the Open Governmental Proceedings Act*

<u>PRICE LIST</u>		
<u>AGENCY</u>	<u>RULE/ORDER</u>	<u>AMOUNT</u>



Natalie E. Tennant

Secretary of State
State of West Virginia

Office of the Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, West Virginia 25305

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.com

GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1. Agency Name, (Title and Series Number)
Column	2. Rule Title, Price and Type
Column	3. Date Notice of Public Hearing or Comment Period Filed
Column	4. Date of Public Hearing or Last Date Comments Will Be Received
Column	5. Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6. Date Agency Approved Legislative Rules Filed.
Column	7. Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8. Legislative Action
Column	9. Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10. Date Rule is Effective

-
- Titles followed by an asterisk (**) indicate that the rule is in effect as an emergency
 - Emergency rules will not have a "Notice" date until the agency files one but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
 - If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)
 - If a particular step is not required by law for a particular rule, the "N/A" will appear in the excluded step column
 - Once a rule becomes effective & the effective date appears in Column 10, the rule will be removed from the monitor after the rule is distributed in the loose leaf version of the Code of State Rules

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

<u>TITLE NUMBER</u>	<u>NAME OF AGENCY</u>
TITLE 3	BARBERS AND COSMETOLOGISTS
TITLE 7	PROFESSIONAL ENGINEERS
TITLE 10	LICENSED PRACTICAL NURSES
TITLE 11	MEDICINE
TITLE 13	OCCUPATIONAL THERAPY
TITLE 14	OPTOMETRY
TITLE 15	PHARMACY
TITLE 16	PHYSICAL THERAPY
TITLE 17	PSYCHOLOGISTS
TITLE 20	SANITARIANS
TITLE 24	OSTEOPATHY
TITLE 25	SOCIAL WORK EXAMINERS
TITLE 26	VETERINARY MEDICINE
TITLE 27	COUNSELING
TITLE 29	SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY
TITLE 33	OFFICE OF WASTE MANAGEMENT (FORMERLY PART OF TITLE 47)
TITLE 35	OFFICE OF OIL AND GAS
TITLE 36	COAL MINE HEALTH & SAFETY
TITLE 38	MINING & RECLAMATION
TITLE 42	LABOR
TITLE 45	OFFICE OF AIR QUALITY
TITLE 47	OFFICE OF WATER RESOURCES
TITLE 48	MINES TRAINING EDUCATION & CERTIFICATION
TITLE 56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE 58	NATURAL RESOURCES
TITLE 60	ENVIRONMENTAL PROTECTION, SECRETARY'S OFFICE
TITLE 61	AGRICULTURE
TITLE 63	CONSERVATION AGENCY
TITLE 64	HEALTH
TITLE 65	HEALTH CARE AUTHORITY
TITLE 69	HEALTH & HUMAN RESOURCES
TITLE 76	SENIOR SERVICES
TITLE 78	HUMAN SERVICES
TITLE 81	STATE POLICE
TITLE 82	CULTURE AND HISTORY
TITLE 85	WORKERS COMPENSATION BY THE INSURANCE COMMISSION
TITLE 86	VETERANS AFFAIRS
TITLE 87	FIRE COMMISSION
TITLE 90	CORRECTIONS
TITLE 91	MOTOR VEHICLES
TITLE 94	REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY
TITLE 96	WORKFORCE WEST VIRGINIA
TITLE 110	TAX DEPARTMENT
TITLE 112	TREASURER
TITLE 113	HEALTH INSURANCE PLAN
TITLE 114	INSURANCE
TITLE 126	EDUCATION
TITLE 127	SECONDARY SCHOOLS ACTIVITIES COMM.
TITLE 133	HIGHER EDUCATION POLICY COMMISSION
TITLE 135	COMMUNITY & TECHNICAL COLLEGE EDUCATION
TITLE 143	PERSONNEL
TITLE 144	TOURISM
TITLE 146	STATE ELECTION COMMISSION
TITLE 148	ADMINISTRATION
TITLE 149	CRIME, DELINQUENCY AND CORRECTION
TITLE 150	PUBLIC SERVICE COMMISSION
TITLE 153	SECRETARY OF STATE
TITLE 157	DIVISION OF HIGHWAYS
TITLE 158	ETHICS COMMISSION
TITLE 162	CONSOLIDATED PUBLIC RETIREMENT BOARD
TITLE 172	STATE RAIL AUTHORITY
TITLE 175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE 176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE 177	ATHLETIC COMMISSION
TITLE 178	RACING COMMISSION
TITLE 179	LOTTERY
TITLE 184	PARKWAYS ECONOMIC DEV. & TOURISM AUTHORITY
TITLE 190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE 191	FAMILY PROTECTION SERVICES BOARD
TITLE 199	EXPLOSIVES & BLASTING
TITLE 204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY
TITLE 205	OUTDOOR HERITAGE CONSERVATION FUND
TITLE 207	COALFIELD COMMUNITY DEVELOPMENT
TITLE 210	GOHELP

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Adjutant General (141-49)	Military Justice \$12.10 Legislative Exempt							11/3/2010	11/3/2010
Administration (148-3)	State Owned Vehicles \$9.80 Legislative	6/25/2010	7/25/2010	6/25/2010 Effective 8/6/2010	7/26/2010				
Agriculture (61-2)	West Virginia Apiary Law of 1991 \$4.40 Legislative	6/1/2010	7/1/2010	6/1/2010 Approved 7/8/2010	7/26/2010	Modified & Approved 9/13/2010 Filed 9/21/2010			
Agriculture (61-6C)	General Groundwater Protection Rules for Fertilizers and Manures \$4.60 Legislative	6/1/2010	7/1/2010		7/12/2010	Approved 7/21/2010			
Agriculture (61-16)	Inspection of Meat and Poultry \$4.80 Legislative	6/14/2010	7/14/2010		7/20/2010	Approved 8/10/2010			
Air Quality (45-8)	Ambient Air Quality Standards \$16.90 Legislative	6/9/2010	7/12/2010		7/28/2010				
Air Quality (45-14)	Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration \$14.30 Legislative	6/9/2010	7/12/2010		7/28/2010				
Air Quality (45-16)	Standards of Performance for New Stationary Sources \$13.70 Legislative	6/9/2010	7/12/2010		7/28/2010				
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste \$18.60 Legislative	6/9/2010	7/12/2010		7/28/2010				
Air Quality (45-19)	Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution Which Cause or Contribute to Nonattainment \$14.30 Legislative	6/9/2010	7/12/2010		7/28/2010				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities \$14.40 Legislative	6/9/2010	7/12/2010		7/28/2010				
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants \$21.70 Legislative	6/9/2010	7/12/2010		7/28/2010				
Alcohol Beverage Control Comm. (175-1)	Licensed Retailer Operations \$7.60 Legislative	9/14/2009	10/15/2009	8/31/2009 Approved 10/8/2009	11/20/2009				
Alcohol Beverage Control Comm. (175-5)	Licensing of Retail Outlets \$14.80 Legislative	9/14/2009 12/10/2009	10/15/2009 1/12/2010	8/31/2009 Approved 10/8/2009 Amendment 12/10/2009 Approved 12/14/2009	11/20/2009 2/22/2010				
Barbers & Cosmetologists (3-1)	Procedures, Criteria and Curricula for Examination and Licensure of Barbers, Cosmetologists, Manicurists and Aestheticians \$6.00 Legislative	6/18/2010	7/22/2010		7/30/2010	Modified & Approved 10/11/2010 Filed 10/18/2010			
Barbers & Cosmetologists (3-2)	Qualification Training, Examination of Licensure of Instructors \$4.00 Legislative	6/18/2010	7/22/2010		7/30/2010	Modified & Approved 10/11/2010 Filed 10/18/2010			
Barbers & Cosmetologists (3-4)	Operational Standards for Schools of Barbering and Beauty Culture \$3.80 Legislative	6/18/2010	7/22/2010		7/30/2010	Modified & Approved 10/11/2010 Filed 10/18/2010			
Barbers & Cosmetologists (3-6)	Schedule of Fees \$2.40 Legislative	5/10/2010	6/11/2010	4/27/2010 Withdrawn 5/10/2010 5/7/2010 Approved 5/14/2010	6/18/2010	Approved 10/11/2010 Filed 10/18/2010			
Coal Mine Health and Safety (36-44)	Mine Rescue Requirements for the Office of Miners' Health, Safety and Training \$4.00 Legislative	4/22/2010	5/28/2010						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Coal Mine Health and Safety (36-49)	Requirement to Keep a Barometer in the Mine Office; Requirement to Develop a Training Program for Use of Barometer by Mine Foreman to be Developed by Board of Miner Training and Certification; Record-keeping \$3.20 Legislative	4/22/2010	5/28/2010						
Coal Mine Health and Safety (36-50)	Belt Conveyor; Installation; Maintenance; Examination of Belt Conveyors and Belt Entries, Automatic Fire Warning Devices \$5.20 Legislative	4/22/2010	5/28/2010						
Coal Mine Health and Safety (36-51)	Accessible Outlets; Safe Roadways for Emergencies; Accessibility of First Aid Equipment, Use of Special Capsule for Removal of Personnel, Escape way Maps and Drills \$4.40 Legislative	4/22/2010	5/28/2010						
Coal Mine Health and Safety (36-52)	Fire In and About Mine; Notification of Director and District Mine Inspector; Mine Emergency Evacuation Plan \$3.60 Legislative	4/22/2010	5/28/2010						
Coal Mine Health and Safety (36-53)	Testing and Calibration of Machine Mounted Methane Monitors on Working Face Equipment \$3.20 Legislative	4/22/2010	5/28/2010						
Coal Mine Health and Safety (36-54)	Initial Training Program for Prospective Mine Rescue Team Members and Additional Mine Rescue Requirements \$4.00 Legislative	4/27/2010	5/28/2010						
Community & Technical College Ed. (135-21)	Freshman Assessment and Placement Standards \$4.20 Procedural	8/24/2010	9/24/2010					10/29/2010	11/29/2010
Community & Technical College Ed. (135-23)	Standards and Procedures for Undergraduate Admissions at Comm. & Tech. Colleges \$3.60 Procedural	10/29/2010	11/29/2010						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Consolidated Public Retirement Board (162-1)	General Provisions \$4.60 Legislative	5/7/2010	6/7/2010		7/22/2010	Approved 8/10/2010			
Consolidated Public Retirement Board (162-3)	Teachers' Defined Contribution System \$5.00 Legislative	5/7/2010	6/7/2010		7/22/2010	Approved 8/10/2010			
Consolidated Public Retirement Board (162-5)	Public Employees Retirement System \$5.80 Legislative	5/7/2010	6/7/2010	4/13/2010 Effective 5/25/2010	7/22/2010	Approved 8/10/2010			
Consolidated Public Retirement Board (162-7)	Refund, Reinstatement, Retroactive Service, Loan and Employer Error Interest Factors \$5.40 Legislative	5/7/2010	6/7/2010		7/22/2010	Approved 8/10/2010			
Consolidated Public Retirement Board (162-9)	West Virginia State Police \$5.40 Legislative	5/7/2010	6/7/2010	4/13/2010 Effective 5/25/2010	7/22/2010	Approved 8/10/2010			
Crime, Delinquency and Correction (149-2)	Law Enforcement Training Standard \$8.20 Legislative	6/7/2010	7/15/2010		7/23/2010	Modified & Approved 10/11/2010 Filed 10/13/2010			
Crime, Delinquency and Correction (149-3)	Protocol for Law Enforcement Response to Domestic Violence \$12.10 Legislative	6/23/2010	7/24/2010		7/27/2010	Modified & Approved 11/16/2010			
Education (126-25A)	Standards for Basic and Specialized Health Care Procedures (2422.7) \$34.30 Legislative Exempt	5/13/2010	6/14/2010					8/12/2010	9/13/2010
Education (126-35)	Groupings for Adoption of Instructional Resources for Early Childhood Education, Middle Childhood Education and Adolescent Education (2445.40) \$5.00 Legislative	10/7/2010	11/8/2010						
Education (126-44O)	Early Learning Standards Framework-Content Standards and Learning Criteria for WV Pre-kindergarten (2520.15) \$7.20 Legislative	7/14/2010	8/13/2010					9/9/2010	10/12/2010

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-81)	Attendance (4110) \$5.60 Legislative	7/14/2010	8/13/2010					9/9/2010	10/12/2010
Education (126-94)	Procedures for the Collection, Maintenance and Disclosure of Student Data (4350) \$8.00 Procedural	6/10/2010	7/13/2010					8/12/2010	9/13/2010
Education (126-114)	Approval of Educational Personnel Preparation Programs (5100) \$17.10 Legislative	10/7/2010	11/8/2010						
Environmental Protection, Secretary's Office (60-2)	Freedom of Information Act Requests \$4.60 Procedural	6/14/2010	7/15/2010					7/30/2010	9/1/2010
Ethics Commission (158-20)	Forms \$3.00 Legislative	4/13/2010	5/14/2010		6/24/2010	Modified & Approved 8/10/2010 Filed 8/20/2010			
Explosives & Blasting (199-1)	WV Explosives & Blasting Rule \$13.30 Legislative	6/10/2010	7/13/2010		7/30/2010				
Health (64-1)	Rules of Procedure for Contested Case Hearings and Declaratory Rulings \$4.00 Procedural	6/24/2010	7/26/2010						
Health (64-3)	Public Water Systems \$5.20 Legislative	6/23/2010	7/23/2010		7/29/2010	Approved 11/16/2010			
Health (64-29)	Specialized Multipatient Medical Transport \$5.60 Legislative	6/29/2010	7/29/2010		7/30/2010				
Health (64-43)	Food Manufacturing Facilities \$5.00 Legislative	6/10/2010	7/12/2010		7/29/2010	Modified & Approved 11/16/2010			
Health (64-44)	Fire Department Rapid Response Services Licensure \$4.00 Legislative	6/29/2010	7/29/2010		7/30/2010				
Health (64-48)	Emergency Medical Services \$18.30 Legislative	6/29/2010	7/29/2010		7/30/2010				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-68)	Cancer Registry \$4.20 Legislative	6/23/2010	7/23/2010		7/29/2010	Approved 10/11/2010			
Health (64-87)	Sex Offender Treatment Program Certification \$13.80 Legislative	6/30/2010	7/30/2010	6/30/2010 Effective 8/11/2010	7/30/2010				
Health (64-97)	Maternal Risk Screening \$4.00 Legislative	6/23/2010	7/23/2010		7/29/2010	Modified & Approved 10/11/2010			
Health (64-98)	Safety and Treatment Program \$7.80 Legislative	6/30/2010	7/30/2010	6/30/2010 Approved 8/11/2010	7/30/2010	Modified & Approved 11/16/2010			
Health (64-99)	Requirement for Licensure of Nonprofit Corporations for Conservation Service \$6.80 Legislative	6/30/2010	7/30/2010	6/30/2010 Approved 8/11/2010	7/30/2010	Modified & Approved 11/16/2010			
Health Care Authority (65-7)	Certificate of Need Rule \$11.80 Legislative	6/15/2010	7/16/2010		7/28/2010	Modified & Approved 11/16/2010			
Higher Education Policy Comm. (133-20)	Authorization of Degree Granting Institutions \$11.80 Legislative Exempt	10/6/2010	11/5/2010						
Highways (157-4)	Purchase and Disposal of Materials, Equipment and Supplies \$4.40 Legislative	6/29/2010	7/29/2010		7/30/2010	Modified & Approved 11/17/2010			
Highways (157-6)	Use of State Road Rights of Way and Adjacent Areas \$9.80 Legislative	6/7/2010	7/7/2010	6/7/2010 Approved 7/8/2010	7/16/2010	Modified & Approved 11/17/2010			
Highways (157-7)	Transportation of Hazardous Wastes Upon the Roads and Highways \$4.60 Legislative	6/15/2010	7/15/2010		7/16/2010				
Highways (157-10)	Community Empowerment Transportation Act Program \$4.60 Legislative	6/25/2010	7/26/2010		7/27/2010	Modified & Approved 11/17/2010			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Commission (114-6)	Credit Life Insurance, Credit Accident and Sickness Insurance, and Credit Unemployment Insurance \$5.40 Legislative	6/15/2010	7/15/2010		7/27/2010	Modified & Approved 9/13/2010 Filed 9/28/2010			
Insurance Commission (114-11B)	Suitability in Annuity Transactions \$7.40 Legislative	6/15/2010	7/15/2010		7/29/2010	Approved 9/13/2010			
Insurance Commission (114-25)	Insurance Adjusters \$6.40 Legislative	6/15/2010	7/15/2010	6/15/2010 Withdrawn 7/15/2010	7/27/2010	Modified & Approved 10/11/2010 Filed 10/20/2010			
Insurance Commission (114-32)	Long-Term Care Insurance \$15.40 Legislative	6/11/2010	7/12/2010		7/29/2010	Modified & Approved 9/13/2010 Filed 9/28/2010			
Insurance Commission (114-41)	Actuarial Opinion and Memorandum Rule \$7.20 Legislative	6/11/2010	7/12/2010		7/27/2010	Approved 9/13/2010			
Insurance Commission (114-41A)	Property and Casualty Actuarial Opinion \$4.40 Legislative	6/15/2010	7/15/2010	9/1/2010 Effective 10/13/2010	7/27/2010	Modified & Approved 11/16/2010			
Insurance Commission (114-61)	Credit Personal Property \$6.00 Legislative	6/15/2010	7/15/2010		7/27/2010	Approved 9/13/2010			
Insurance Commission (114-65)	Self-Insurance Pools for Political Subdivisions \$6.40 Legislative	6/18/2010	7/18/2010		7/27/2010	Modified & Approved 11/16/2010			
Insurance Commission (114-68)	Valuation of Life Insurance Companies \$7.80 Legislative	6/11/2010	7/12/2010		7/27/2010	Approved 10/11/2010			
Insurance Commission (114-69A)	Recognition of Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities \$5.20 Legislative	6/11/2010	7/12/2010		7/27/2010	Approved 10/11/2010			
Insurance Commission (114-85)	Professional Employer Organizations \$5.60 Legislative	6/11/2010	7/12/2010	6/11/2010 Effective 7/23/2010	7/27/2010	Approved 10/11/2010			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Commission (114-91)	Health Maintenance Organization Point of Service Option \$6.60 Legislative	6/11/2010	7/12/2010		7/27/2010	Approved 11/16/2010			
Labor (42-21)	Elevator Safety Act \$4.20 Legislative	6/29/2010	7/29/2010		7/30/2010	Modified & Approved 9/13/2010 Filed 9/23/2010			
Labor (42-21A)	Supervision of Elevator Mechanics and Apprentices \$4.00 Legislative	6/29/2010	7/29/2010		7/30/2010	Modified & Approved 9/13/2010 Filed 9/23/2010			
Labor (42-24)	Crane Operator Certification Act \$4.80 Legislative	6/16/2010	7/16/2010		7/23/2010	Modified & Approved 9/13/2010 Filed 9/23/2010			
Labor (42-25)	Crane Operator Certification Act – Practical Examination \$3.00 Legislative	6/16/2010	7/16/2010		7/23/2010	Modified & Approved 9/13/2010 Filed 9/23/2010			
Miners' Health, Safety and Training (56-3)	Rules and Regulations Governing the Safety of Those Employed in and Around Surface Mines in West Virginia \$26.40 Legislative	5/26/2010	6/30/2010		7/30/2010				
Mining & Reclamation (38-2)	West Virginia Surface Mining Reclamation Rule \$30.70 Legislative	12/16/2009 6/10/2010	1/18/2010 7/13/2010	12/16/2009 Approved 12/23/2009	2/1/2010 7/30/2010				
Motor Vehicles (91-12)	Motor Vehicle Inspection Manual \$33.50 Legislative	6/18/2010	7/19/2010		7/26/2010	Approved 11/15/2010			
Natural Resources (58-27)	Special Motorboating Regulations \$2.60 Legislative	5/4/2010	6/6/2010	4/13/2010 Effective 5/27/2010	6/29/2010	Modified & Approved 7/21/2010 Filed 7/28/2010			
Natural Resources (58-47)	Prohibitions When Hunting and Trapping \$4.00 Legislative	6/15/2010	7/16/2010		7/22/2010	Approved 8/10/2010			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-49)	General Hunting \$4.00 Legislative	6/15/2010	7/16/2010		7/22/2010	Approved 8/10/2010			
Optometry (14-1)	Rules of the WV Bd. of Optometry \$9.40 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010			
Optometry (14-2)	Expanded Prescriptive Authority \$14.30 Legislative	6/25/2010	7/26/2010		7/30/2010				
Optometry (14-3)	Contested Case Hearing Procedure \$5.20 Legislative	6/25/2010	7/26/2010		7/30/2010				
Optometry (14-4)	Disciplinary and Complaint Procedures for Optometrists \$5.00 Legislative	6/25/2010	7/26/2010		7/30/2010				
Optometry (14-5)	Schedule of Fees \$8.40 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010			
Optometry (14-6)	Examination and Scoring Policy \$4.60 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010			
Optometry (14-7)	Administration and Board Meetings \$3.60 Procedural	6/25/2010	7/26/2010						
Optometry (14-8)	Licensure by Endorsement \$3.80 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010			
Optometry (14-9)	Contact Lenses that Contain and Deliver Pharmaceutical Agents Certificate \$3.80 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010			
Optometry (14-10)	Continuing Education \$9.80 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010			
Optometry (14-11)	Injectable Pharmaceutical Agents Certificate \$14.80 Legislative	6/24/2010	7/23/2010		7/30/2010				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Osteopathy (24-2)	Osteopathic Physician Assistants \$8.60 Legislative	6/14/2010	7/14/2010	6/14/2010 Approved 7/8/2010 Amendment 11/10/2010 Approved 11/17/2010	7/30/2010	Modified & Approved 11/16/2010			
Osteopathy (24-5)	Fees for Services Rendered by the Bd. of Osteopathy \$4.20 Legislative	6/14/2010	7/14/2010		7/28/2010	Modified & Approved 11/16/2010			
Parole Board (92-1)	Procedural Rules of the West Virginia Parole Board \$7.00 Procedural							9/16/2010	1/1/2011
Pharmacy (15-1)	Board of Pharmacy Rules Regarding Licensure and the Practice of Pharmacy \$13.80 Legislative	6/17/2010	7/18/2010		7/29/2010	Approved 11/16/2010			
Pharmacy (15-8)	Controlled Substances Monitoring \$6.40 Legislative	6/17/2010	7/18/2010		7/29/2010	Approved 11/16/2010			
Physical Therapy (16-1)	Supervision of a Physical Therapist Assistant \$13.80 Legislative	6/29/2010	7/29/2010	6/29/2010 Approved Section 8 only 7/14/2010 Amendment 11/5/2010 Approved Section 8 only 11/16/2010	7/30/2010				
Physical Therapy (16-4)	Fees for Physical Therapist and Physical Therapist Assistant \$3.80 Legislative	6/29/2010	7/29/2010		7/30/2010				
Physical Therapy (16-5)	General Provisions for Athletic Trainers \$2.80 Legislative	6/29/2010	7/29/2010		7/30/2010	Modified & Approved 9/13/2010 Filed 9/20/2010			
Physical Therapy (16-6)	Fees for Athletic Trainers \$2.40 Legislative	6/29/2010	7/29/2010		7/30/2010	Modified & Approved 9/13/2010 Filed 9/20/2010			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Professional Engineers, Bd. of Reg. (7-3)	Application of Engineering Seal \$3.20 Interpretive	5/26/2010	6/28/2010						
Public Service Commission (150-5)	Rules for the Government of Sewer Utilities \$12.40 Exempt Legislative	8/15/2008	10/31/2008						
Public Service Commission (150-7)	Rules for the Government of Water Utilities \$14.40 Exempt Legislative	8/15/2008	10/31/2008						
Public Service Commission (150-34)	Rules Governing Alternative and Renewable Energy Portfolio Standard \$12.20 Legislative Exempt	7/30/2010	9/15/2010					11/5/2010	1/4/2011
Racing Commission (178-1)	Thoroughbred Racing \$44.60 Legislative	6/7/2010	7/8/2010		7/27/2010				
Racing Commission (178-2)	Greyhound Racing \$19.90 Legislative	6/29/2010	7/29/2010		7/30/2010				
Racing Commission (178-5)	Pari-Mutuel Wagering \$15.30 Legislative	6/7/2010	7/8/2010		7/16/2010				
Real Estate Appraiser Lic. & Cert. Bd. (190-2)	Requirements for Licensure and Certification \$9.60 Legislative	9/22/2010	10/23/2010	9/8/2010 ERD by 10/20/2010					
Regional Jail & Correctional Facility Authority (94-9)	Charges Assessed Against Inmates for Services Provided by Regional Jail, Medical Co-Payment \$3.20 Interpretive	4/12/2010	5/28/2010					7/16/2010	8/16/2010
Sanitarians, Bd. Of Reg. for (20-3)	Interim Fee Schedule \$3.60 Legislative	6/17/2010	7/19/2010	5/18/2010 Effective 6/29/2010	7/29/2010	Approved 11/16/2010			
Sanitarians, Bd. of Ref. for (20-4)	Rules Governing the Practice of Public Health Sanitation \$4.60 Legislative	6/23/2010	7/23/2010		7/29/2010	Approved 11/16/2010			
Secretary of State (153-25)	Combined Voter Registration and Driver Licensing Fund \$4.60 Legislative	10/8/2010	11/8/2010		11/12/2010				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-41)	Administrative Law Division Publication Fees \$3.60 Legislative	6/28/2010	7/28/2010		7/29/2010				
Senior Services (76-3)	WV State Plan for Aging Programs \$12.10 Interpretive	4/1/2010	Hearing 5/17/2010 Comments 6/1/2010					10/13/2010	11/13/2010
State Election Commission (146-5)	WV Supreme Court of Appeals Public Campaign Financing Pilot Program \$12.30 Legislative	6/18/2010	7/19/2010		7/29/2010				
State Rail Authority (172-2)	Valuation of Used Rolling Stock and Equipment \$3.60 Legislative	3/31/2010	4/30/2010		5/13/2010	Approved 8/10/2010			
Tax Department (110-13Q)	Commercial Patent Incentives Tax Credit \$4.40 Legislative	6/14/2010	7/15/2010		7/28/2010	Modified & Approved 10/11/2010 Filed 11/5/2010			
Tax Department (110-15J)	Consumers Sales & Service Tax & Use Tax Exemptions Mandated Pursuant to Executive Orders 4-10 and 7-10 Referring to Purchases of Mobile Homes, Building Materials and Supplies, Bottled Water, Cleaning Supplies and Other Supplies Used for Flood Relief; Affordable Housing Trust Fee Not Exempt \$4.20 Legislative	8/9/2010	9/9/2010	7/9/2010 Approved 7/14/2010					
Tax Department (110-27)	Service of Notice \$7.40 Interpretive	8/9/2010	9/9/2010					10/14/2010	11/15/2010
Tax Department (110-50E)	Exchange of Information Agreement Between the State Tax Department and the WV Lottery \$3.60 Legislative	6/3/2010	7/6/2010		7/26/2010	Approved 10/11/2010			
Tax Department (110-50F)	Exchange of Information Agreement Between the State Tax Department and the State Fire Marshal \$2.40 Legislative	6/3/2010	7/6/2010		7/26/2010	Modified & Approved 10/11/2010 Filed 11/5/2010			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Treasurer's Office (112-3)	Establishment of Imprest Funds \$2.80 Legislative	5/26/2010	6/28/2010		6/30/2010	Modified & Approved 7/21/2010 Filed 7/30/2010			
Veterinary Medicine (26-1)	Organization and Operation and Licensing of Veterinarians \$7.00 Legislative	6/25/2010	7/26/2010		7/27/2010	Modified & Approved 11/16/2010			
Veterinary Medicine (26-2)	Disciplinary and Complaint Procedures of the WV Bd. of Veterinary Medicine \$4.40 Legislative	6/25/2010	7/26/2010		7/27/2010				
Veterinary Medicine (26-2A)	Contested Case Hearing Procedures \$5.80 Legislative	6/25/2010	7/26/2010		7/27/2010				
Veterinary Medicine (26-3)	Registration of Veterinary Technicians \$5.00 Legislative	6/25/2010	7/26/2010		7/27/2010	Modified & Approved 11/16/2010			
Veterinary Medicine (26-4)	Standards of Practice \$6.00 Legislative	6/25/2010	7/26/2010		7/27/2010	Modified & Approved 11/16/2010			
Veterinary Medicine (26-5)	Certified Animal Euthanasia Technicians \$5.00 Legislative	6/25/2010	7/26/2010	6/25/2010 Effective 8/6/2010	7/27/2010	Modified & Approved 11/16/2010			
Veterinary Medicine (26-6)	Schedule of Fees \$4.00 Legislative	6/25/2010	7/26/2010		7/27/2010	Modified & Approved 11/16/2010			
Waste Management (33-20)	Hazardous Waste Mangement Rule \$7.00 Legislative	6/14/2010	7/15/2010		7/30/2010	Modified & Approved 9/13/2010 9/21/2010			
Water Resources (47-2)	Requirements Governing Water Quality Standards \$12.80 Legislative	3/3/2010 6/4/2010	4/1/2010 7/19/2010	3/3/2010 Approved 3/5/2010	6/4/2010 7/30/2010				
Water Resources (47-12)	Requirements Governing Groundwater Standards \$3.20 Legislative	6/11/2010	7/15/2010		7/23/2010	Modified & Approved 9/13/2010 Filed 9/14/2010			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Water Resources (47-60)	Monitoring Well Design Standards \$8.40 Legislative	6/15/2010	7/15/2010		7/26/2010	Modified & Approved 9/13/2010 Filed 9/22/2010			
Workers Comp. by the Insurance Comm. (85-22)	Medical Review \$3.60 Legislative Exempt	2/23/2010	3/25/2010						
WorkForce West Virginia (96-3)	Employer Violator System \$3.60 Legislative	8/5/2009	9/7/2009	7/31/2009 Approved 8/24/2009 Amendment 9/28/2010 ERD by 11/9/2010 Expired 10/31/2010	9/24/2009	Modified & Approved 10/11/2010 Filed 10/18/2010			

LEGISLATIVE

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #4

Do Not Mark In This Box

2015 NOV 22 AM 8:55

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Governor's Committee on Crime, Delinquency and Correction TITLE NUMBER: 149

CITE AUTHORITY: Statutory 48-27-1102

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

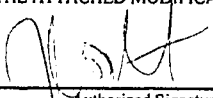
IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 3

TITLE OF RULE BEING AMENDED: Protocol for Law Enforcement Response to Domestic Violence

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



Authorized Signature

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #4

Do Not Mark In This Box

2015 NOV 22 AM 11:26

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WV Department of Transportation, Division of Highways TITLE NUMBER: 157

CITE AUTHORITY: WV Code 17-28-4

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Ten

TITLE OF RULE BEING PROPOSED: Community Empowerment Transportation Act Program

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



Authorized Signature

167.80

13.40

P.O. BOX 2067
CHARLESTON, WV 25327



PHONE: 304-558-0500
FAX: 304-558-3321

John C. Musgrave
Director

November 18, 2010

Honorable Natalie Tennant
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

2010 NOV 17 PM 2:32
OFFICE OF THE SECRETARY OF STATE

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "WHEEL OF FORTUNE Red, White & Blue", "WHEEL OF FORTUNE Double Diamond", and "WHEEL OF FORTUNE Double 3X 4X 5X Times Pay" games manufactured by IGT for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John C. Musgrave, Director

JCM/mr

Enclosures: WHEEL OF FORTUNE Red, White & Blue
WHEEL OF FORTUNE Double Diamond
WHEEL OF FORTUNE Double 3X 4X 5X Times Pay

www.wvlottery.com

LEGISLATIVE

P.O. BOX 2067
CHARLESTON, WV 25327



PHONE: 304-558-0500
FAX: 304-558-3321

John C. Musgrave
Director

November 22, 2010

Honorable Natalie Tennant
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

2010 NOV 22 AM 9:30
OFFICE OF THE SECRETARY OF STATE

Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for "Lago di Amore", "Full Moon Diamond", "Egyptian Queen", "China Mystery", "Cash Phoenix", and "Eleven Pearls" games manufactured by Konami Gaming, Inc. for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John C. Musgrave, Director

JCM/mr

Enclosures: Lago di Amore
Full Moon Diamond
Egyptian Queen
China Mystery
Cash Phoenix
Eleven Pearls

www.wvlottery.com

LEGISLATIVE



STATE OF WEST VIRGINIA
BUREAU OF SENIOR SERVICES

Earl Ray Tomblin
Governor

1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0160
Telephone (304) 558-3317
FAX (304) 558-0004
www.wvseniorservices.gov

Barbara Reynolds
Acting Commissioner

November 17, 2010

Ms. Judy Cooper
Administrative Law Division
West Virginia Secretary of State's Office
State Capitol Complex
1900 Kanawha Blvd., East
Charleston, WV 25305

RECEIVED
NOV 19 2010
MID-CO

Dear Ms. Cooper:

The West Virginia Bureau of Senior Services would like to withdraw the final filing of the West Virginia Older Americans Act State Plan on Aging, as recorded in your office at 9:32 a.m. on October 13, 2010. In its place, please re-file the attached State Plan on Aging.

Thank you for your assistance. Do not hesitate to contact our office if you have any questions or need additional information.

Sincerely,


Barbara Reynolds
Acting Commissioner

Grievance Decisions

Docket #	Grievant	Respondent	Dec Date
2009-0836-WayED	James Michael Swimm	Wayne Co BOE	11/9/2010
2010-0277-NicED	Marvin Ray Woods	Nicholas Co BOE	11/10/2010
2010-0291-DHHR	Nathan Gorby	DHHR	11/4/2010
2010-0291-DHHR	Nathan Gorby	William R Sharpe Jr Hospital	11/4/2010
2010-1222-DHHR	Brian Dibacco	DHHR	11/1/2010
2010-1229-DOT	Charles D Hendrix	Highways	11/12/2010
2010-1229-DOT	Charles D Hendrix	Transportation	11/12/2010
2010-1306-CONS	Barbara Jean Koblinsky	Putnam Co Health Dept	11/8/2010

Printed on 11/10/2010 10:00 AM. This report was generated by the Grievance System. It is not to be used for any other purpose. The information contained herein is confidential and should not be distributed outside the organization.



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES

Earl Ray Tomblin
Governor

Patsy A. Hardy, FACHE, MSN, MBA
Cabinet Secretary

MEMORANDUM

TO: Interested Parties
FROM: Robert W. DeCrease, P. E. *Robert DeCrease*
Drinking Water Treatment Revolving Fund
DATE: November 19, 2010
SUBJECT: Categorical Exclusion Decision (CE)
City of White Sulphur Springs Water Treatment Plant Improvement Project and Meter System Upgrade

A copy of the City of White Sulphur Springs Water Treatment Plant Improvement and Meter Upgrade Categorical Exclusion Decision (CE) is enclosed for your records.

The review process concluded that the proposed action is consistent with the categories of actions eligible for categorical exclusion. This means that environmental information documents and environmental assessments or environmental impact statements will not be required for this project and the project is authorized to proceed forward.

This decision is based upon a careful review of supporting documents provided by the applicant and other documentation available to the West Virginia Bureau for Public Health (WVBPH). These documents are on file with the WVBPH, Office of Environmental Health Services (OEHS), Environmental Engineering Division (EED), and are available for review upon request.

Comments on this decision may be submitted for consideration to WVBPH/OEHS/EED, attention Christopher Thomas, 350 Capitol Street, Room 313 Charleston, WV 25301-3713; or you may fax your comments to (304) 558-0691 or e-mail christopher.w.thomas@wv.gov.

RWD

Enclosures

350 Capitol Street, Room 313
Charleston, West Virginia 25301-3713
Telephone: (304) 558-2981 / Fax: (304) 558-0691

OTHER

CATEGORICAL EXCLUSION DECISION

(November 19, 2010)

2010 NOV 19 PM 2:01

TO: ALL INTERESTED PARTIES

In accordance with the Environmental Protection Agency (EPA) regulations for complying with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190), a review has been performed on a request for a categorical exclusion for the environmental review requirements under NEPA, for the proposed action described below:

City of White Sulphur Springs Water Treatment Plant Improvements and Meter Upgrade Project
Greenbrier County, WV
WVJDC Project #: 2008W-1021

(Official Project Name and Number)

City of White Sulphur Springs
34 West Main Street
White Sulphur Springs, WV 24986

(Project Applicant)

City of White Sulphur Springs
White Sulphur Springs, WV
Greenbrier, West Virginia

(Project Location, City, County, State)

\$ 12,252,750

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

\$ 12,252,750

(Estimated Total Project Cost)

OTHER

PROJECT SUMMARY FOR CATEGORICAL EXCLUSION

PROPOSED ACTION:

The City of White Sulphur Springs is located in Greenbrier County, West Virginia. The City owns and operates a groundwater treatment plant that is capable of producing 600 GPM. The existing plant was constructed in 1986 and provides water to 1,850 customers through approximately 23 miles of distribution lines. This project is to complete several repairs and renovations to the water treatment plant, replacement of approximately 44% of the distribution lines, construction of a 400,000 gallon tank, and replacement of approximately 1900 meters with advanced radio read meters. In the plant the existing catalytic reactor, carbon dioxide system, gravity filters, chlorine and fluoride addition system, and the pumps and electrical system will all be replaced. Additionally a new catalytic reactor of the same size currently in the plant now will be added and the capacity of the existing chlorine contact tank will be increased.

ENVIRONMENTAL BENEFITS:

Environmental benefits will result from the reduction of water loss from the distribution system from 63% down to an estimated 20%. This will also reduce the plant operation time, the excessive depletion of groundwater, treatment chemical consumption, and power consumption. The renovations to the water treatment plant and the installation of a new tank will increase the redundancy of plant's operations and will allow for increased flexibility to perform proper maintenance. The new meter system will allow the water system to receive "real time" data from the distribution system to more accurately detect leaks.

CATEGORICAL EXCLUSION CRITERIA:

EPA regulation 40 CFR 6.106(d) permits the use of categorical exclusions from substantive environmental requirements of the National Environmental Policy Act (NEPA) for:

- (1) Actions which are solely directed toward minor rehabilitation of existing facilities, functional replacement of equipment, or construction of ancillary facilities; or
- (2) Other actions specifically allowed in program specific subparts of this regulation.

Criteria which would prevent the use of a categorical exclusion are found in 40CFR 6, 107(e), summarized as follows:

- (1) The action may have a significant effect on the quality of the human environment, or
- (2) The action may affect cultural resource areas, endangered or threatened species, environmentally important natural resource, or other identified resource areas of concern; or
- (3) The action is not cost-effective or may cause public controversy.

ANALYSIS:

The proposed project meets the criteria for categorical exclusion. It involves the repairs and renovations at the water treatment plant, the water line replacement, installation of a 400,000 gallon water storage tank on previously disturbed land, and the replacement of approximately 1,900 meters. All work will be done on previously disturbed property and will have no environmental impact.

REVOCATION:

This conclusion can be revoked if additional and/or future information indicates any of the following;

- (1) The proposed action no longer meets the defined category due to changes in the proposed action;
- (2) Serious local or environmental issues now exist; and/or
- (3) Federal, state or local laws may be violated.

DOCUMENTATION:

1. The Request for Categorical Exclusion, on behalf of the the City of White Sulphur Springs received by BPH on August 17, 2010, as prepared by Paul Ghosh, P. E., Ghosh Engineering.
2. Categorical Exclusion Checklist as prepared by Paul Ghosh, P. E., Ghosh Engineering.
3. Department of the Army letter dated October 18, 2010
4. Division of Natural resources letter dated September 7, 2007
5. Fish and Wildlife Service letter dated December 3, 2007

OTHER

City of White Sulphur Springs - CE
November 19, 2010
Page Two

Distribution List:

Region IV, PDC
Ghosh Engineers Inc
West Virginia Development Office
West Virginia Division of Natural Resources
West Virginia Bureau of Public Health
West Virginia Department of Environmental Protection
Division of Culture & History
U.S. Fish and Wildlife Service
Department of the Army

PUBLIC NOTICE

2010 NOV 18 PM 1:25

**WEST VIRGINIA MEDICAID PROGRAM
STATE PLAN AMENDMENT
REGARDING
ESTATE RECOVERY**

Pursuant to 42 U.S.C. §1396a(a)(13)(1997) and 42 C.F.R. §447.205, the Department of Health and Human Resources (Department), Bureau for Medical Services (Bureau) provides notice of the filing of a state plan amendment to revise estate recovery for certain Medicare cost sharing expenses for dually eligible individuals who were over age 55 when the expense was incurred.

This plan amendment provides that medical assistance for Medicare cost sharing is protected from estate recovery for the following categories of dual eligible individuals: QMB, SLMB, QI, QDWI, QMB+, SLMB+. This protection extends to medical assistance for four Medicare cost sharing benefits: Part A and B premiums, deductibles, coinsurance and co-payments.

The purpose and rationale for this plan amendment is to comply with the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA), Section 115. This plan amendment will be effective January 1, 2011.

This change in reimbursement is expected to be an increase in the aggregate, state and federal funds, of approximately \$20574 for federal fiscal year 2011.

Documents detailing these proposed actions will be available for public inspection in each county office of the Department of Health and Human Resources during normal business hours, 8:30 a.m. to 4:30 p.m., beginning December 1, 2010 to January 3, 2011 and on the web at: www.wvdhhr.org then medical services.

Written comments may be sent to the West Virginia Department of Health and Human Resources, Bureau for Medical Services, 350 Capitol Street, Room 251, Charleston, WV 25301-3708. Any written comments received will be available for review at the above address during normal business hours, 8:30 a.m. to 4:30 p.m., beginning December 1, 2010 through January 3, 2011.

WEST VIRGINIA HEALTH CARE AUTHORITY
CERTIFICATE OF NEED
100 Dee Drive
Charleston, West Virginia 25311-1600

2010 NOV 22 PM 2: 13

November 22, 2010

SECRET STATE

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending November 19, 2010.

LETTERS OF INTENT FOR EXPEDITED REVIEW RECEIVED

November 19, 2010 – Thomas Memorial Hospital, South Charleston, Kanawha County, CON File #10-3-9311-H, for the development of therapeutic cardiac catheterization; no capital expenditure.

EXPEDITED APPLICATION RECEIVED

November 19, 2010 – Kanawha Hospice Care, Inc., Charleston, Kanawha County, CON File #10-3-9299-Y, for the development of a ten (10) bed inpatient hospice facility in leased space at Thomas Memorial Hospital; capital expenditure: \$1,100,000.

CERTIFICATE OF NEED APPROVALS ISSUED

November 19, 2010 – Charleston Area Medical Center, Charleston, Kanawha County, CON File #10-3-9227-H, for the construction of a Clinic Office Building to be attached to its existing medical office building located on its hospital campus; capital expenditure: \$9,500,000.

November 19, 2010 – FC-GEN Operations Investments, LLC, FC-GEN Real Estate LLC, Alpharetta, Georgia, Genesis Operations LLC, Kennett Square, Pennsylvania, CON File #10-1/2/3/4/5/6/8/9/11-9237-A, for the reorganization of FC-GEN Investment, LLC and Genesis HealthCare Corporation involving a change of operators and certain parent entities and a change in the leasing arrangements for the real estate and equipment for twenty-five (25) West Virginia nursing homes currently owned and/or operated by subsidiaries of FC-GEN Investment, LLC; capital expenditure: \$2,058,800.

HEARING NOTICE

The Administrative Hearing and Prehearing Conference have been CONTINUED GENERALLY in the following matter:

November 19, 2010 – Highland Health Center, Inc., Highland Behavioral Health Services, Inc., Highland-Clarksburg Hospital, Inc., Clarksburg, Harrison County, CON File #10-6-9230-BH, for the development of a behavioral health facility in Clarksburg, Harrison County; capital expenditure: \$46,000,000.

OTHER

Proceedings previously scheduled for **December 2, 2010 at 1:30 a.m.** and **December 9, 2010 at 9:00 a.m.** for the above-noted application have been continued generally.

Further information may be obtained on any of the above-referenced projects by contacting Timothy E. Adkins, Director, Certificate of Need Division.

porterlegal notices November 22, 2010

OTHER

THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
CHARLESTON, WEST VIRGINIA

ABSTRACT FROM THE RECORDS OF THE
COMMISSIONER'S ORDERS

DATED

November 15, 2010

WHEREAS, Chapter 17, Article 2A, Section 4, of the Official Code of West Virginia, 1931, as amended, authorizes the Commissioner of Highways to be in charge of the selection and the effective organization of all West Virginia Division of Highways personnel; and

WHEREAS, Chapter 17, Article 2A, Section 8, of the Official Code of West Virginia, 1931, as amended, authorizes the Commissioner of Highways to promulgate rules for the efficient administration of the State road program; and

WHEREAS, to provide for the proper and efficient transaction of business in the West Virginia Division of Highways, certain revisions to the present organization structure are necessary and prudent;

NOW, THEREFORE, BE IT ORDERED that the Commissioner's Order dated October 20, 2009, implementing the Organization Chart of the same date, pertaining to the organizational structure of the Central Office of the Division of Highways, be amended; and


BE IT FURTHER ORDERED that the attached Division of Highways Organization Chart dated November 15, 2010, supersedes all previous organization charts and is hereby established and will take effect November 15, 2010.

THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
CHARLESTON, WEST VIRGINIA

ABSTRACT FROM THE RECORDS OF THE
COMMISSIONER'S ORDERS
PAGE TWO

All provisions of this ORDER will become effective upon entry.

Entered this 15th day of November 2010


Paul A. Matton, Jr., P. E.
Commissioner of Highways

Attachment

Distribution

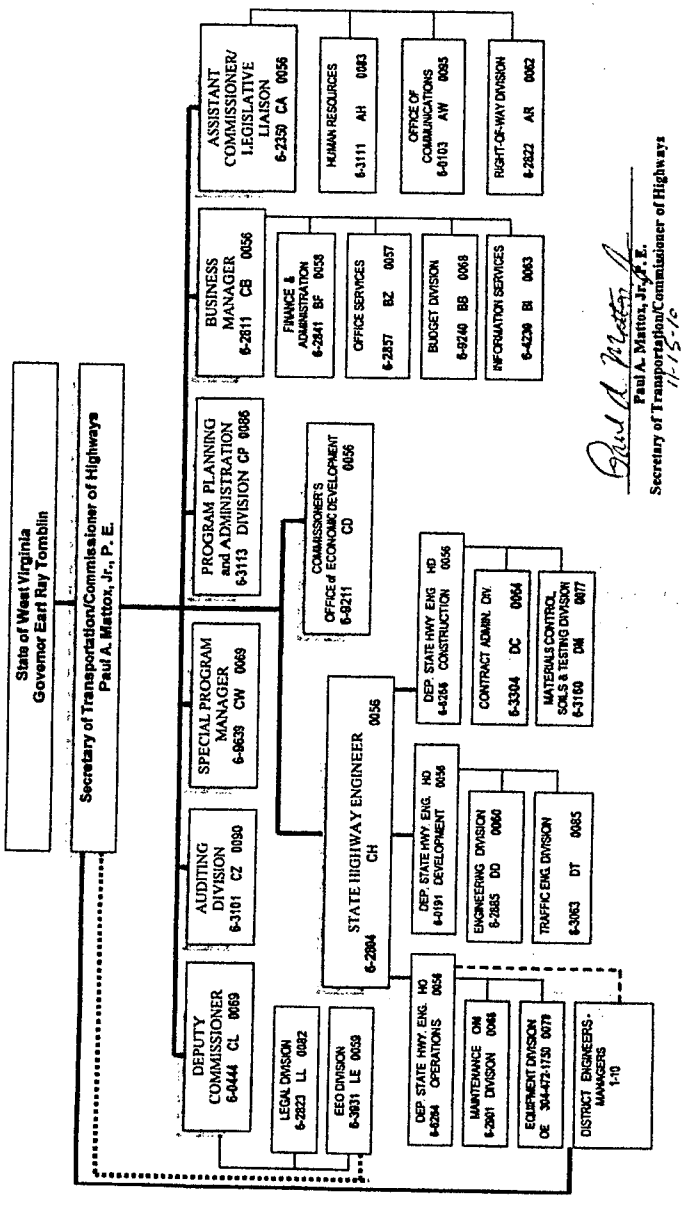
Administrative Staff
Division Directors
District Engineers/Managers
Office of the Governor
Department of Administration
West Virginia State Auditor
Secretary of State
Federal Highway Administration

STATE OF WEST VIRGINIA
WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

Given under my hand and seal of the Division of Highways, I do hereby certify that the foregoing is a true abstract from the Orders of the West Virginia Commissioner of Highways, entered of record on this 15th day of November 2010.


Mia C. Workman
Division of Highways

WEST VIRGINIA DIVISION OF HIGHWAYS



OTHER

WEST VIRGINIA LEGISLATURE Joint Committee on Government and Finance



Stacy L. Sneed, CPA, CICA, Director
Legislative Post Audit Division
Building 1, Room W-329
1900 Kanawha Blvd., E.
Charleston, WV 25305-0610

Area Code (304)
Phone: 347-4830
Fax: 347-4839

November 17, 2010

Enclosed is the released audit of the West Virginia Department of Transportation Division of Highways for the year ended June 30, 2010, which has been made in compliance with the West Virginia Code, Chapter 17, Article 3, Section 1a, as amended. The audit was conducted by Gibbons & Kawash.

Each report released by the Post Audit Subcommittee will be posted to the Legislative Post Audit website (<http://www.legis.state.wv.us/Joint/postaudit/reports.cfm>).

Stacy L. Sneed

Ms. Stacy L. Sneed, CPA, CICA, Director
Legislative Post Audit Division

RECEIVED
LEGISLATIVE POST AUDIT DIVISION
NOV 19 AM 10:51

Orders Report

Docket Number	Agency	Respondent	Decision Date
10-12-9259-A	Health Care Authority	Onex Rescare Acquisition, LLC	11/10/2010
08-1-8772-X	Health Care Authority	Raleigh General Hospital	11/12/2010
10-1/7-9282-X	Health Care Authority	VOCA Corporation of West Virginia, Inc., RSCR West Virginia Inc.	11/12/2010
10-2/3-9276-X	Health Care Authority	ARC Home Health Care	11/12/2010
06-9-8256-H	Health Care Authority	West Virginia University Hospitals-East	11/12/2010
07-5-8543-H	Health Care Authority	West Virginia University Hospitals-East	11/12/2010
10-10-9280-X	Health Care Authority	Wetzel County Hospital	11/12/2010
09-5-9014-Y	Health Care Authority	Medi Home Health Agency, Inc.	11/12/2010
06-2-8364-R	Health Care Authority	Fresenius Medical Care North America	11/12/2010
10-2-9286-X	Health Care Authority	Pretera Center for Mental Health Services, Inc.	11/12/2010
10-5-9285-X	Health Care Authority	Westbrook Health Services	11/12/2010
10-3-9228-H	Health Care Authority	Charleston Area Medical Center	11/12/2010
10-3-9227-H	Health Care Authority	Charleston Area Medical Center, Inc.	11/19/2010
10-6-9230-BH	Health Care Authority	Highland Health Center Inc., Highland Behavioral Health Services Inc., Highland-Clarksburg Hospital	11/19/2010
10-123456891 1-9237-A	Health Care Authority	FC-Gen Operations Investments LLC, FC-Gen Real Estate LLC, Genesis Operations LLC	11/19/2010
N/A	Medicine	Dana Ruth Morton, M.D.	11/19/2010

THE FOLLOWING ARE PUBLICATION DATES OF THE STATE REGISTER FOR 2010

**DATES ARE THE DATES ALL FILINGS ARE TO BE RECEIVED IN THE
SECRETARY OF STATE'S OFFICE IN ORDER FOR THE MATERIAL TO APPEAR IN
THE STATE REGISTER PUBLISHED ON THE DATE LISTED.**

<u>Deadline Date</u>	<u>Publication Date</u>	<u>Meeting may be held on or after</u>	<u>Deadline Date</u>	<u>Publication Date</u>	<u>Meeting may be held on or after</u>
January 6, 2010	January 5, 2010	January 13, 2010	July 7, 2010	July 9, 2010	July 14, 2010
January 13, 2010	January 15, 2010	January 20, 2010	July 14, 2010	July 16, 2010	July 21, 2010
January 20, 2010	January 22, 2010	January 27, 2010	July 21, 2010	July 23, 2010	July 28, 2010
January 27, 2010	January 29, 2010	February 3, 2010	July 28, 2010	July 30, 2010	August 4, 2010
February 3, 2010	February 5, 2010	February 10, 2010	August 4, 2010	August 6, 2010	August 11, 2010
February 10, 2010	February 12, 2010	February 17, 2010	August 11, 2010	August 13, 2010	August 18, 2010
February 17, 2010	February 19, 2010	February 24, 2010	August 18, 2010	August 20, 2010	August 25, 2010
February 24, 2010	February 26, 2010	March 3, 2010	August 25, 2010	August 27, 2010	September 1, 2010
March 3, 2010	March 5, 2010	March 10, 2010	September 1, 2010	September 3, 2010	September 8, 2010
March 10, 2010	March 12, 2010	March 17, 2010	September 8, 2010	September 10, 2010	September 15, 2010
March 17, 2010	March 19, 2010	March 24, 2010	September 15, 2010	September 17, 2010	September 22, 2010
March 24, 2010	March 26, 2010	March 31, 2010	September 22, 2010	September 24, 2010	September 29, 2010
March 31, 2010	April 2, 2010	April 7, 2010	September 29, 2010	October 1, 2010	October 6, 2010
April 7, 2010	April 9, 2010	April 14, 2010	October 6, 2010	October 8, 2010	October 13, 2010
April 14, 2010	April 16, 2010	April 21, 2010	October 13, 2010	October 15, 2010	October 20, 2010
April 21, 2010	April 23, 2010	April 28, 2010	October 20, 2010	October 22, 2010	October 27, 2010
April 28, 2010	April 30, 2010	May 5, 2010	October 27, 2010	October 29, 2010	November 3, 2010
May 5, 2010	May 7, 2010	May 12, 2010	November 3, 2010	November 5, 2010	November 10, 2010
May 12, 2010	May 14, 2010	May 19, 2010	November 9, 2010	November 12, 2010	November 17, 2010
May 19, 2010	May 21, 2010	May 26, 2010	November 17, 2010	November 19, 2010	November 24, 2010
May 26, 2010	May 28, 2010	June 2, 2010	November 22, 2010	November 24, 2010	November 29, 2010
June 2, 2010	June 4, 2010	June 9, 2010	December 1, 2010	December 3, 2010	December 8, 2010
June 9, 2010	June 11, 2010	June 16, 2010	December 8, 2010	December 10, 2010	December 15, 2010
June 16, 2010	June 18, 2010	June 23, 2010	December 15, 2010	December 17, 2010	December 22, 2010
June 23, 2010	June 25, 2010	June 30, 2010	December 21, 2010	December 23, 2010	December 28, 2010
June 30, 2010	July 2, 2010	July 7, 2010	December 28, 2010	December 30, 2010	January 4, 2010